

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

**LEND A MUNSON,
APPELLANT**

vs.

**DIVISION OF EMPLOYMENT SECURITY,
RESPONDENT**

DOCKET NUMBER WD71827

DATE: OCTOBER 26, 2010

Appeal from:

The Labor and Industrial Relations Commission

Appellate Judges:

Division Two: Joseph M. Ellis, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Attorneys:

Martin L. Perron, for Appellant

Jeannie D. Mitchell, for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

LENDA MUNSON, APPELLANT

v.

DIVISION OF EMPLOYMENT SECURITY, RESPONDENT

WD71827

Labor and Industrial Relations Commission

Before Division Two Judges: Joseph M. Ellis, P.J., Alok Ahuja and Karen King Mitchell, JJ.

Lenda Munson appeals from an order issued by the Labor & Industrial Relations Commission disqualifying her from receiving unemployment benefits for five weeks based upon a finding that she was terminated from her employment with American Airlines, Inc. for misconduct related to work. American Airlines fired Munson for providing the company with what it believed to be false information about a period of incarceration by the police. Eventually, on appeal, the Commission found that it was misconduct for Munson to have improperly parked her car in a no-parking zone at the airport and denied her benefits on that basis.

REVERSED AND REMANDED.

Division Two holds:

- (1) As asserted by the Division of Employment Security, because the Commission failed to make factual or credibility findings related to the undisputed reason Munson's employer discharged her, the Commission's decision precludes meaningful review of Munson's claim that the Commission's award was not supported by the evidence. American Airlines consistently maintained that Munson was fired for misrepresentations, and Munson's supervisor testified that getting a parking ticket and being detained was not a violation of American Airline's policy. Accordingly, the Commission's finding that Munson was discharged for misconduct because she parked in the no-parking zone is wholly unsupported by the record.
- (2) There can be no intelligent review of the Commission's decision where the Commission fails to address essential factual issues, and its decision must be reversed and the cause remanded so that the Commission can resolve the essential issues.

Opinion by: Joseph M. Ellis, Judge

Date: October 26, 2010

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